



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/780,113

02/17/2004

Hans Meessen

RANPP0352USA

6512

23908

7590

06/16/2006

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER

DESAI, HEMANT

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,113

Applicant(s)

MEESSEN, HANS

Examiner

Hemant M. Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

MISCELLANEOUS

1. Claim 14 is written in "means plus function" form and since they meet the analysis set forth in MPEP 2181, the Examiner assumes that applicant wishes to invoke 35USC112, paragraph 6.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons (5749821) in view of Kopp et al. (5356363).

Simmons discloses a dunnage conversion system and method for converting multiple plies of sheet material (106, 108, 110, fig. 7) into a relatively less dense, three-dimensional dunnage product, the system comprising a converter (34, fig. 2) including a conversion assembly (26, fig. 2) that is driven by a motor (36, fig. 2) to advance multiple plies of sheet material through the converter for conversion of the multiple plies of sheet material into a relatively less dense, three-dimensional dunnage product, where the multiple plies of sheet stock material are fed to the conversion assembly along respective in feed paths, a controller (32, fig. 2) that controls operation of the motor and an end-of-web detector (118, fig. 8) located upstream of the conversion assembly for

Art Unit: 3721

detecting the presence or absence of the ply and providing an output to the controller indicative thereof (see col. 6, lines 29-52).

Simmons, as mentioned above, discloses all the claimed limitations, except for the end-of-web detector including plural sensors respectively associated with the separate in-feed paths for detecting the presence or absence of the respective ply. However, Kopp et al. teach the end-of-web detector including plural sensors (7, 67, fig. 1) respectively associated with the separate in-feed paths (of three webs 2, fig. 1) for detecting the presence or absence of the respective ply (see col. 2, lines 8-11; col. 3, lines 20-24; col. 4, lines 55-64). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the end-of-web detector including plural sensors respectively associated with the separate in-feed paths as taught by Simmons in the dunnage conversion system and method for converting multiple plies of sheet material into three-dimensional dunnage product of Simmons for detecting the presence or absence of the respective ply and signal generated by the sensor may be used by the controller to stop the feed motor.

Regarding claims 2-4, Simmons discloses that the sensor includes a transmitter for transmitting an electromagnetic beam and a receiver for receiving the electromagnetic beam (see col. 6, lines 35-46).

Regarding claims 7 and 12-13, Simmons discloses separating rollers (100, 102, fig. 7) interposed between the in-feed paths of the sheet stock material plies for separating the plies.

Regarding claim 14, the conversion system of Simmons as modified by Kopp, as mentioned above, teaches the means for converting or equivalent three of, means for detecting the presence of each ply or equivalent three of and means for controlling the means for converting or equivalent three of.

4. Claims 5-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons and Kopp et al. as applied to claims 1-4 and 8 above, and further in view of Harding (6756096).

Simmons' dunnage conversion system and method for converting multiple plies of sheet material into a relatively less dense, three-dimensional dunnage product modified by Kopp et al. meets all the limitations of claims 5 and 9, except for a splicing surface against which the trailing ends of the plies of a spent supply of stock material can be Joined to the leading ends of the plies of a new supply of stock material. However, Harding teaches the splicing surface against which the trailing ends of the plies of a spent supply of stock material can be Joined to the leading ends of the plies of a new supply of stock material (see figs. 6-11) to provide an improved splicing method and supply of sheet stock material which simplifies splicing a succeeding supply of stock material to an almost spent supply of stock material (see col. 2, lines 6-10). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the splicing surface as taught by Harding in the modified system and method for converting multiple plies of sheet material into a relatively less dense, three-dimensional dunnage product of Simmons to provide an

improved splicing method and supply of sheet stock material which simplifies splicing a succeeding supply of stock material to an almost spent supply of stock material.

Regarding claims 6 and 10-11, Simmons discloses separating rollers (100, 102, fig. 7) interposed between the in-feed paths of the sheet stock material plies for separating the plies.

Response to Arguments

5. Applicant's arguments filed 4/28/2006 have been fully considered but they are not persuasive. In response to Applicant's argument that there is no motivation/suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 601 (CCPA 1915). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining reference is what the combination of disclosures take as a whole would suggest to one of the ordinary skill in the art. *In re McLaughlin*, 110 USPQ 209 (CCVA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this instance, Examiner relied on Kopp's reference for providing sensor for each one of the multiple plies of sheet material of Simmons to detect the shortest web of the multiple webs and subsequently generate the signal to stop the feed motor. Since there is only one motor in the Simmons reference, when any one of the plurality of sensors detect the end of the respective ply it will stop the only feed motor. And therefore the

Art Unit: 3721

combination of disclosures of Simmons and Kopp take, as a whole would suggest to one of the ordinary skill in the art to combine the references of Simmons and Kopp.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

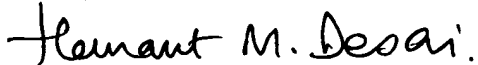
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hemant M Desai
Examiner
Art Unit 3721

HMD